

S U M M A R Y

This proposed ordinance amends Chapter 9, Article I, of the 1984 Detroit City Code, *Detroit Property Maintenance Code*, Division 1, *In General*, and Division 3, *Requirements for Rental Property*, by amending Sections 9-1-3, 9-1-20, 9-1-81, 9-1-82, and 9-1-83, by repealing Section 9-1-84, and by adding Subdivision B, *Lead Clearance*, which shall consist of Sections 9-1-91, 9-1-92, 9-1-93, 9-1-94, 9-1-95, 9-1-96, 9-1-97 and 9-1-98, to revise the terms 'buildings, premises, and structures,' 'nursing home,' 'Public Health Director,' 'rental property,' 'repeat offense,' and 'shelter for victims of domestic violence;' to delete the terms 'bureau,' and 'pre-release adjustment center;' to define the terms 'abatement or abated,' 'certified abatement worker,' 'certified clearance technician,' 'certified lead inspector,' 'certified renovator,' 'certified risk assessor,' 'clearance examination,' 'community residential home,' 'containment,' 'deteriorated paint,' 'dust-lead hazard,' 'encapsulant,' 'encapsulation,' 'enclosure,' 'evaluation,' 'friction surface,' 'hazard reduction,' 'impact surface,' 'interim controls,' 'lead-based paint,' 'lead-based paint hazard,' 'lead clearance,' 'lead inspection,' 'permanent,' 'post-remedy clearance report,' 'reduction or reduce,' 'retaliatory action,' 'risk assessment,' 'secured by other than normal means,' and 'vacant building;' to revise the civil fine schedule to decrease or increase certain fines for violations of this article; to provide for civil fines for an owner to fail to obtain a lead clearance for rental property; to provide that a hearing officer from the Department of Administrative Hearings may, pursuant to the Michigan Home Rule Cities Act, waive a fine for a blight violation at an owner-occupied dwelling for a first time offender of a section of this article where the offender has corrected the circumstances for the violation; to make it unlawful for residential property required to be registered under this Chapter where the original construction was completed prior to January 1, 1978 to be occupied without a lead clearance obtained pursuant to Subdivision B of this article; to provide that residential dwellings that are rental property must be inspected for the presence of lead paint and lead-based paint hazards, and if such hazards exist, the owner of the property must abate or perform interim controls and receive clearance from a certified clearance technician or certified lead inspector / risk assessor in order to receive a certificate of compliance from the Buildings and Safety Engineering Department; and to make this chapter commensurate with state law concerning lead abatement and lead clearances for residential property.

1 **BY COUNCIL MEMBER SHEILA M. COCKREL:**

2 **AN ORDINANCE** to amend Chapter 9, Article I, of the 1984 Detroit City Code, *Detroit*
3 *Property Maintenance Code*, Division 1, *In General*, and Division 3, *Requirements for Rental*
4 *Property*, by amending Sections 9-1-3, 9-1-20, 9-1-81, 9-1-82, and 9-1-83, by repealing Section
5 9-1-84, and by adding Subdivision B, *Lead Clearance*, which shall consist of Sections 9-1-91, 9-1-
6 92, 9-1-93, 9-1-94, 9-1-95, 9-1-96, 9-1-97 and 9-1-98, to revise the terms ‘buildings, premises,
7 and structures,’ ‘nursing home,’ ‘Public Health Director,’ ‘rental property,’ ‘repeat offense,’ and
8 ‘shelter for victims of domestic violence;’ to delete the terms ‘bureau,’ and ‘pre-release adjustment
9 center;’ to define the terms ‘abatement or abated,’ ‘certified abatement worker,’ ‘certified clearance
10 technician,’ ‘certified lead inspector,’ ‘certified renovator,’ ‘certified risk assessor,’ ‘clearance
11 examination,’ ‘community residential home,’ ‘containment,’ ‘deteriorated paint,’ ‘dust-lead
12 hazard,’ ‘encapsulant,’ ‘encapsulation,’ ‘enclosure,’ ‘evaluation,’ ‘friction surface,’ ‘hazard
13 reduction,’ ‘impact surface,’ ‘interim controls,’ ‘lead-based paint,’ ‘lead-based paint hazard,’ ‘lead
14 clearance,’ ‘lead inspection,’ ‘permanent,’ ‘post-remedy clearance report,’ ‘reduction or reduce,’
15 ‘retaliatory action,’ ‘risk assessment,’ ‘secured by other than normal means,’ and ‘vacant building;’
16 to revise the civil fine schedule to decrease or increase certain fines for violations of this article;
17 to provide for civil fines for an owner to fail to obtain a lead clearance for rental property; to
18 provide that a hearing officer from the Department of Administrative Hearings may, pursuant to
19 the Michigan Home Rule Cities Act, waive a fine for a blight violation at an owner-occupied
20 dwelling for a first time offender of a section of this article where the offender has corrected the
21 circumstances for the violation; to make it unlawful for residential property required to be
22 registered under this Chapter where the original construction was completed prior to January 1,
23 1978 to be occupied without a lead clearance obtained pursuant to Subdivision B of this article;
24 to provide that residential dwellings that are rental property must be inspected for the presence of
25 lead paint and lead-based paint hazards, and if such hazards exist, the owner of the property must
26 abate or perform interim controls and receive clearance from a certified clearance technician or

1 certified lead inspector / risk assessor in order to receive a certificate of compliance from the
2 Buildings and Safety Engineering Department; and to make this chapter commensurate with state
3 law concerning lead abatement and lead clearances for residential property.

4 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
5 **THAT:**

6 **Section 1.** Chapter 9, Article I, of the 1984 Detroit City Code, *Detroit Property*
7 *Maintenance Code*, Division 1, *In General*, and Division 3, *Requirements for Rental Property*, be
8 amended by amending Sections 9-1-3, 9-1-20, 9-1-81, 9-1-82, and 9-1-83, by repealing Section
9 9-1-84, and by adding Subdivision B, *Lead Clearance*, which shall consist of Sections 9-1-91, 9-1-
10 92, 9-1-93, 9-1-94, 9-1-95, 9-1-96, 9-1-97 and 9-1-98, to read as follows:

11 **CHAPTER 9. BUILDINGS AND BUILDINGS REGULATIONS**

12 **ARTICLE I. DETROIT PROPERTY MAINTENANCE CODE**

13 **DIVISION 1. IN GENERAL**

14 **Sec. 9-1-3. Definitions.**

15 For purposes of this article, the following words and phrases shall have the meanings
16 respectively ascribed to them by this section:

17 Abatement or abated means a measure or set of measures designed to permanently
18 eliminate lead-based paint hazards and includes:

19 (1) The removal of lead-based paint hazards and dust lead hazards, the permanent
20 enclosure or encapsulation of lead-based paint, the replacement of lead-painted
21 surfaces or fixtures, the removal or covering of soil lead hazards, and all
22 preparation, cleanup, disposal, and post-abatement clearance testing activities
23 associated with such measures, which shall be performed by a state certified lead
24 abatement firm;

25 (2) A project for which there is a written contract or other documentation which

1 provides that a person will be conducting activities in or to a residential dwelling
2 or child-occupied facility that will result in the permanent elimination of lead
3 hazards or that are designed to permanently eliminate lead hazards;

4 (3) A project resulting in the permanent elimination of lead-based paint hazards,
5 conducted by a person certified pursuant to the Michigan Lead Abatement Act,
6 being MCL 333.5451 *et seq.*, except a project that is otherwise exempt under the
7 Act;

8 (4) A project resulting in the permanent elimination of lead hazards, conducted by a
9 person who, through their company name or promotional literature, represents,
10 advertises, or holds themselves out to be in the business of performing lead-based
11 paint activities except a project that is exempt under the Michigan Lead Abatement
12 Act; and

13 (5) A project resulting in the permanent elimination of lead hazards that is conducted
14 in response to a state or City abatement order,

15 but does not include:

16 (1) Renovation, remodeling, landscaping, or other activity, where the activity is not
17 designed to permanently eliminate lead hazards, but is instead designed to repair,
18 restore, or remodel a dwelling even though the activity may incidentally result in
19 a reduction or elimination of a lead hazard;

20 (2) An interim control, operation, maintenance activity, or other measure or activity
21 designed to temporarily, but not permanently, reduce a lead hazard;

22 (3) Any lead-based paint activity performed by the owner of an owner occupied
23 residential dwelling or an owner-occupied multi-family dwelling containing four (4)
24 or fewer units where the activity is performed only in that owner-occupied unit of
25 the multi-family dwelling; and;

26 (4) The scraping or removal of paint, painting over paint, or other similar activity that

1 may incidentally result in a reduction or elimination of a lead hazard.

2 Adult foster care facility means a governmental or non-governmental establishment which
3 principally receives adults for foster care including a foster care family home for adults who ~~it~~ :

4 (1) Are aged, emotionally disturbed, developmentally disabled or physically handicapped
5 ~~, it~~ ;

6 (2) Require supervision on an ongoing basis ; ~~and it~~

7 (3) Do not require continuous nursing care, but excludes a nursing home, a home for the
8 aged, a hospital, a hospital for the mentally ill, a county infirmary, and a facility
9 operated for the developmentally disabled by the Michigan Department of Mental
10 Health.

11 Apartment means a one (1) family living space having one (1) or more rooms located within
12 a building, and containing a kitchen equipped with a sink and a bathroom equipped with a bathtub
13 or shower, a lavatory, and a toilet or water closet.

14 Approved means approved by the Director of the Buildings and Safety Engineering
15 Department or the Public Health Director, or a device, material or practice that meets acceptable
16 industry standards or an apparatus or a method which, by demonstration or test, has proven
17 workable for its intended use.

18 Approved containers means receptacles designated for use in specific areas, or for specific
19 uses by the Director of the Department of Public Works, which are limited to Courville containers,
20 large movable or stationary containers, and portable containers, as defined in this section.

21 Article means the Detroit Property Maintenance Code.

22 Authorized local official means a Detroit police officer, or other City of Detroit employee
23 or agent, who is authorized to issue blight violations in accordance with this article and the
24 provisions of ~~this~~ the 1984 Detroit City Code that are designated as blight violations.

25 Basement means that portion of a building or structure which is partly or completely below

grade.

Bathroom means a room containing plumbing fixtures including a bathtub or shower.

Bedroom means any room or space used, or intended to be used, for sleeping purposes.

Blight violation means any unlawful act, or any omission or failure to act, which is designated by ~~this~~ the 1984 Detroit City Code as a blight violation pursuant to Section 4l(2) of the Michigan Home Rule Cities Act, being MCL 117.4l(2).

Blight violation determination means a determination that ~~it~~ :

(1) An alleged violator is responsible for one (1) or more blight violations as a result of the admission of responsibility for the allegation(s) in a blight violation notice; i or ~~it~~

(2) After an administrative hearing that a person is or is not responsible for one (1) or more blight violations; i or ~~it~~

(3) As a result of a decision and order of default for failing to appear as directed by the blight violation notice, or other notice regarding one (1) or more blight violations, at a scheduled appearance at the Department of Administrative Hearings in accordance with Section 4q(8)(c) of the Michigan Home Rule Cities Act, being MCL 117.4q(8)(c).

Blight violation notice means a written violation notice prepared by an authorized local official which directs an alleged violator i) to pay the civil fine(s) specified in the notice, including any required fees or costs, for one (1) or more blight violations in accordance with the fines, fees, or costs specified in this article and ii) to appear at the Department of Administrative Hearings regarding the occurrence or existence of one (1) or more blight violations pursuant to Section 4q(8) of the Michigan Home Rule Cities Act, being MCL 117.4q(8).

Blight violation proceeding means an administrative process that results in a blight violation determination.

1 *Buildings* means a permanent structure that is constructed or used for a residential or
2 nonresidential purpose, or any permanent accessory structure or facility used in conjunction with
3 such use.

4 *Buildings, premises, and structures* means all properties, equipment, and facilities which are
5 part of, or used in conjunction with, any existing residential and nonresidential building, premises,
6 or structure, including vacant buildings.

7 ~~*Bureau* means the City of Detroit Department of Administrative Hearings.~~

8 *Certificate of compliance* means a certificate issued by the Buildings and Safety Engineering
9 Department which states that a building, premises or structure, or a portion thereof, complies with
10 the requirements of this article.

11 *Certificate of registration* means a certificate issued by the Buildings and Safety Engineering
12 Department which states that a rental property complies with the requirements of this article.

13 *Certified abatement worker* means an individual who has been trained to perform lead
14 abatement by an accredited training program and who is certified by the Michigan Department of
15 Community Health to perform lead abatement.

16 *Certified clearance technician* means an individual who has completed an approved training
17 course and is certified by the Michigan Department of Community Health to perform lead-clearance
18 testing on interim controls or non-abatement / renovation projects to ensure that lead dust has been
19 removed.

20 *Certified lead inspector* means an individual who has been trained by an accredited training
21 program and certified by the Michigan Department of Community Health to conduct lead-based
22 paint inspections for the purpose of identifying lead-based paint and take samples for the purpose
23 of lead-abatement clearance testing.

24 *Certified renovator* means an individual who has successfully completed a lead hazard
25 renovator course provided by an accredited training program for which the Michigan Department
26 of Community Health, who has been issued a certificate to perform lead hazard renovations, or who

directs or subcontracts to others under their supervision to perform lead hazard renovations.

Certified risk assessor means an individual who has been trained by an accredited training program and certified by the Michigan Department of Community Health to conduct evaluations, lead-based paint inspections, and risk assessments for lead-based paint hazards, and to take samples for the presence of lead in paint and dust for the purposes of post remedy inspection and certification.

City means the City of Detroit.

Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no lead-based paint hazards, as defined in this section, exist in the dwelling unit or work site.

Commercial establishments means all businesses, nonprofit organizations, churches, governmental agencies, and other such institutions which cannot be classified as residential structures, as well as residential structures containing five (5) or more household units.

Commercial solid waste means ∴ ~~†~~

(1) The solid waste resulting from the operation of commercial establishments ∴ and †

(2) Construction solid waste, but does not include domestic solid waste.

Community residential home means a location which provides shelter to prisoners placed pursuant to Section 65a of the Michigan Department of Corrections Act, being MCL 791.265.

Construction solid waste means waste from buildings construction, alteration, demolition or repair, and dirt from excavations.

Containment means a process to protect workers and the environment by controlling exposure to a dust lead hazard and debris created during lead abatement.

Courville containers means receptacles which are one hundred (100), three hundred (300) or four hundred (400) gallons in capacity, are the property of the City, are provided by the Department of Public Works for use at residential structures and commercial establishments, and are mechanically emptied.

Condemnation means to determine a structure unfit for occupancy.

1 *Condominium* means that portion of a condominium conversion or project designed and
2 intended for separate ownership and use, as described in the master deed, regardless of whether it
3 is intended for residential, office, industrial, business or recreational use, or use as a time share unit,
4 or any other type of use.

5 *Debris* means the remains of an item broken down or destroyed.

6 *Designated transitional housing* means housing which is defined by the United States
7 Department of Housing and Urban Development, in 24 C.F.R. 577.5 as ‘transitional housing’ or
8 in 24 C.F.R. 583.5 as ‘supportive housing.’

9 *Deteriorated paint* means paint or other surface coating that is cracking, flaking, chipping,
10 peeling, or otherwise damaged or separating from the substrate of a building component, unless the
11 deteriorated paint surfaces total no more than:

12 (1) Twenty (20) square feet on exterior surfaces;

13 (2) Two (2) square feet in any one interior room or space; or

14 (3) Ten (10) percent of the total surface area on an interior or exterior type of component
15 with a small surface area.

16 *Domestic solid waste* means the solid waste resulting from the usual routine of housekeeping
17 but does not include commercial solid waste.

18 *Dust-lead hazard* means surface dust in a residential dwelling that contains a concentration
19 of lead at or in excess of levels identified by the United States Environmental Protection Agency
20 pursuant to Title IV, Section 403, of the Toxic Substances Control Act, being 15 USC 2683, or as
21 otherwise defined by rule.

22 *Dwelling or dwelling unit* means a single unit providing complete, independent living
23 facilities occupied, or intended to be occupied, in whole or in part by one (1) or more persons,
24 including permanent space and provisions for living, cooking, eating, sanitation, and sleeping.

25 *Emergency* means any condition in a building, premises, or structure that reasonably
26 constitutes a threat to the public interest, safety, or welfare.

27 *Emergency shelter* means a facility which provides congregate-style temporary lodging either

with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year but does not provide such lodging to any individual ~~It~~ :

(1) Who is required because of age, mental disability or other reason to reside either in a public or in a private institution ; ; or ~~it~~

(2) Who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter, and a ~~warning~~ warming center.

Encapsulant means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively-bonded covering material.

Encapsulation means the application of an encapsulant.

Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

Evaluation means a risk assessment, a lead-hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

Exterior property means the open space on the premises and on adjoining premises or property under the control of owners or operators of such premises and property.

Extermination means the control and elimination of insects, ~~rates~~ rats or other pests by eliminating their harborage places, or by removing or making inaccessible materials that serve as their food, or by fumigating, poisoning, spraying, trapping or any other approved pest elimination method, or by a combination thereof.

Final decision and order means a final decision by an administrative hearings officer that a blight violation does or does not exist and constitutes a judgment for purposes of judicial review which may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Friction surface means an interior or exterior surface that is subject to abrasion or friction,

including, but not limited to, certain window, floor, and stair surfaces.

Garbage means, as defined by Section 11503 of the Michigan Natural Resources and Environmental Act, being MCL 324.11503, rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

Good repair means to be properly installed, safe, stable, and maintained sufficiently free of defects or deterioration so as to be functional for current use.

Graffiti means unauthorized drawings, lettering, illustrations, or other graphic markings on the exterior of a building, premises, or structure which are intended to deface or mar the appearance of the building, premises, or structure.

Guard means a building component, or a system of building components, located at or near the open sides of elevated walking surfaces that minimize the possibility of a ~~fall~~ fall from the walking surface to a lower level.

Habitable space means space in a structure for living, eating, cooking or sleeping, but does not mean bathrooms, closets, halls, storage or utility spaces, toilet rooms, or similar areas.

Hazard reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

Hazardous condition means a condition which may result in the death, injury, or illness of a person or in severe damage to a building, premises, or structure.

Homeless means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations or

(2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Hotel means any building containing guest rooms which are intended or designed to be used,

rented, or hired out by transient persons or by a transient family.

Household units means the individual residences of the residents of the City.

Imminent danger means a condition which could cause serious or life-threatening injury, or death, to persons at any time due to the maintenance, or lack of maintenance, of a building, premises, or structure.

Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Infestation means the presence, within or contiguous to, a building, premises or structure of insects, rats, vermin or other pests.

Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

Labeled means appliances, devices, equipment, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization that is concerned with product evaluation and maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Large movable or stationary containers means receptacles which are two (2) cubic yards, three (3) cubic yards, six (6) cubic yards or larger in capacity and are mechanically emptied.

Lead-based paint means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5% by weight.

Lead-based paint hazard means any of the following conditions:

- (1) Any lead-based paint on friction surface, or on an impact surface, such as windows or doors, unless they are replacement items that were manufactured after 1978, or unless a lead inspection is performed by a certified lead inspector or risk assessor to

1 verify that the surfaces do not contain lead-based paint; or

2 (2) Any lead-based paint on an friction surface, or on an impact surface, such as
3 windows or doors, where the lead dust levels on the nearest horizontal surface are
4 equal to or greater than the dust-lead hazard levels identified in rules promulgated
5 under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*; or

6 (3) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is
7 caused by impact from a related building component; or

8 (4) An interior or exterior surface painted with lead-based paint that a young child can
9 mouth or chew and includes an "accessible surface" as defined in Section 4851b(2)
10 of the Residential Lead-Based Paint Hazard Reduction Act, being 42 USC 4851 *et*
11 *seq.*, provided, that hard metal substrates and other materials which cannot be dented
12 by the bite of a young child are not considered chewable; or

13 (5) Any other deteriorated lead-based paint in or on any residential building or child
14 occupied facility; or

15 (6) Surface dust in a residential dwelling or child-occupied facility that contains lead in
16 a mass-per-area concentration equal to or exceeding the levels established by rules
17 promulgated under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*;
18 or

19 (7) Bare soil on residential rental property that contains lead equal to or exceeding levels
20 established by rules promulgated under the Michigan Lead Abatement Act, being
21 333.5451 *et seq.*; or

22 (8) A porch that is found to contain more than 40 ug. per square foot of leaded dust.

23 Lead clearance means:

24 (1) A residential dwelling that has undergone interim controls or abatement to reduce or
25 control lead-based paint hazards, and,, the owner has received a post-remedy
26 clearance report from a certified clearance technician or, for interim controls only,
27 a certified inspector or risk assessor; or

1 (2) The owner of a residential rental property has received report from a certified lead
2 inspector or risk assessor that lead paint exists on the rental property, but there are
3 no lead-based paint hazards on the rental property; or

4 (3) The owner of a residential rental property has received a report from a certified lead
5 inspector or risk assessor that lead-based paint does not exist on the rental property.

6 *Lead inspection* means a surface-by-surface investigation to determine the presence of lead
7 paint and the provision of a report explaining the results of the investigation.

8 *Let* means to permit, provide or ~~other~~ offer possession or occupancy of a dwelling, dwelling
9 unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of
10 record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a
11 recorded or unrecorded agreement of a contract for the sale of land.

12 *Litter* means, as defined by Section 8901 of the Michigan Natural Resources and
13 Environmental Act, being MCL 324.8901, all rubbish, refuse, waste material, garbage, offal,
14 paper, glass, cans, bottles, trash, debris, or other foreign substances.

15 *Loft* means a dwelling unit in a building originally constructed for other than residential use
16 containing one (1) or more rooms or enclosed floor spaces arranged for living, eating, sleeping,
17 and/or a home occupation, which contains bathroom and kitchen facilities, subject to the conditions
18 specified in the Detroit Zoning Ordinance, being Chapter 61 of the 1984 Detroit City Code.

19 *Motel* means a building, or a group of buildings, on a single zoning lot, that contains
20 rooming or dwelling units which may or may not be independently accessible from the outside,
21 designed for or primarily occupied by transients and may include any such building or building
22 group that is designated as a hotel, motor lodge, motor inn, or any other name intended for
23 identification as providing lodging for compensation, and that is with or without a general kitchen
24 and public dining room for use by the occupants.

25 *Motor vehicle* means any vehicle that is self-propelled and used for transportation of persons
26 or goods.

27 *Multiple dwelling* means any building containing three (3) or more rooming or dwelling

1 units.

2 *Multiple-use building* means any building containing two (2) or more areas or spaces of
3 different occupancies.

4 *Noxious weeds* means plants such as Canada thistle (*Cirsium arvense*), dodders (any species
5 of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*),
6 wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow thistle (*Sonchus*
7 *arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus*
8 *toxicodendron*), poison sumac (*Toxicodendron vernix*), or other plant which in the opinion of the
9 Public Health Director is regarded as a public nuisance.

10 *Nursing home* means a facility which provides organized nursing care and medical treatment
11 to seven (7) or more unrelated individuals suffering or recovering from illness, injury or infirmity,
12 and which is not a unit in a correctional facility that is operated by the Michigan Department of
13 Public Community Health.

14 *Occupancy* means the purpose for which a building or structure is utilized or occupied.

15 *Occupant* means any individual living or sleeping in a building or structure, or having
16 possession of a space within a building or structure.

17 *Openable area* means that part of a window, skylight, or door which is available for
18 unobstructed ventilation and which opens directly to the outdoors.

19 *Operator* means any person who is in charge, or has the care or control of a building,
20 premises or structure, which is let, offered or rented for occupancy.

21 *Owner* means any person, agent, operator, firm or corporation having a legal or equitable
22 interest in the building, premises or structure, or is recorded in the official records of the State of
23 Michigan, County of Wayne, or the City as holding title to the building, premises or structure, or
24 otherwise has the legal responsibility for the control and maintenance of the building, premises or
25 structure, including the conservator or guardian of the estate of any such person, the executor or
26 administrator of the estate of such person where ordered to take possession of a building, premises,

or structure by a court, or is the taxpayer of record.

Permanent means an expected design life of at least twenty (20) years.

Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, joint venture, owner, operator, or any other legal entity.

Portable containers means receptacles which are not more than thirty (30) gallons in capacity and are manually emptied.

Post-remedy clearance report means a report from a certified clearance technician, for interim controls only, or a certified lead inspector or certified risk assessor that:

(1) Identifies the lead-based paint hazards in the rental property; and

(2) Certifies that the lead-based paint hazards have been abated or reduced by interim controls pursuant to standards under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*

Premises means a lot, plot or parcel of land including any buildings or structures thereon.

~~Pre-release adjustment center means an establishment which provides shelter, supervisory and social services to convicts in a pre-release parole preparation program as authorized either by the Michigan Corrections Commission under the authority of Public Act 323 of 1953, as amended, or by the Federal Bureau of Prisons under the authority of Public Law 91-492, as amended.~~

Property means real property, including attachments and fixtures.

Public Health Director means the Director and Health Officer of the City of Detroit Department of Health and Wellness Promotion Department.

Rat control means the distribution of rat poison or the setting of rat traps or fumigation or such other methods of rat eradication as may be approved by the Public Health Director.

Rat harborage means any condition under which rats may find shelter or protection.

Ratproof and ratproofing mean a form of construction which will prevent the ingress or egress of rats to or from a given space or buildings, or will prevent rats from gaining access to food, water or harborage and consists of closing and keeping closed by the use of material impervious to rat gnawing of every opening in foundations, basements, cellars, exterior and interior walls, ground

or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods.

Reduction or reduce means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including, but not limited to, interim controls and abatement.

Rental property means a non owner occupied dwelling unit or dwelling units ~~which (f)~~ that:

(1) Is or are let or occupied by persons, including a family member or members of the owner, pursuant to an oral or written rental contract, or lease for , or other oral or written agreement or understanding for occupation, with or without, monetary compensation , (ii) ; or

(2) Will be offered for occupancy under an oral or written rental contract or lease for , or other oral or written agreement or understanding for occupation, with or without, monetary compensation to any person , (iii) ; or

(3) Is or are contained within a building containing with two (2) or more dwelling units that are not occupied by the owner ; or iv)

(4) Has or have been advertised to the public or previously registered with the City as rental property.

Repeat offense means a second, or any subsequent, blight violation determination regarding a blight violation ~~twice~~ notice that is made within one (1) ~~calendar~~ year for the same blight violation, except for a determination by an administrative ~~code~~ hearings officer that a person is not responsible for a blight violation for the first or subsequent violation.

Residential structures means the household units of the residents of the City.

Retaliatory action means any action that materially alters the terms of the tenancy of the premises such as an increase in rent, termination of a lease or tenancy, or interference with the tenants' occupancy or use of the premises.

Risk assessment means both of the following:

1 (1) An on-site investigation conducted by a certified risk assessor to determine the
2 existence, nature, severity, and location of a lead-based paint hazard; and.

3 (2) The provision of a report by the person conducting the risk assessment explaining the
4 results of the investigation and options for reducing the lead-based paint hazard.

5 *Room and board home* means a rooming unit within a dwelling ~~arrange~~ arranged to provide
6 lodging and meals for monetary compensation.

7 *Rooming house* means a building arranged or occupied for lodging, with or without meals,
8 for compensation and not occupied as a one- or two-family dwelling.

9 *Rooming unit* means any room, or group of rooms, that form a single habitable unit
10 occupied, or intended to be occupied, for sleeping or living, but not for cooking purposes.

11 *Rubbish* means, as defined by Section 11505 of the Michigan Natural Resources and
12 Environmental Act, being MCL 324.11505, non putrescible solid waste, excluding ashes, consisting
13 of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard
14 clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that
15 may be a detriment to the public health and safety.

16 *Sanitary condition* means a clean condition which guards against disease, illness or infection,
17 or the growth of harmful bacteria.

18 *Secured by other than normal means* means a building secured in a manner other than one
19 used in the construction, design, or approved plans for the building, or other than as required by
20 Section 9-1-13(c) and (d) of the 1984 Detroit City Code.

21 *Shelter* means either an emergency shelter or a shelter for victims of domestic violence.

22 *Shelter for victims of domestic violence* means a residential facility which provides temporary
23 accommodation and support to victims of domestic violence either with or without their minor
24 children, and which is operated by a nonprofit, charitable, or a religious agency that meets the pre-
25 contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board, but
26 does not include an adult foster care facility, a ~~pre-release adjustment center~~ community residential

1 home, ~~and~~ or a substance abuse service facility.

2 *Solid waste* means any material defined as solid waste within the meaning of Section 11506
3 of the Natural Resources and Environmental Protection Act, being MCL ~~324.11606~~ 324.11506, and
4 includes debris, garbage, litter, and rubbish, as defined by this section.

5 *Structure* means that which is built or constructed.

6 *Substance abuse service facility* means an establishment which is used on an outpatient basis
7 for the dispensing of compounds or prescription medicines directly to persons that have drug or
8 alcohol abuse problems, but excludes a generally recognized pharmacy or licensed hospital that
9 dispenses prescription medicines.

10 *Temporary certificate of compliance* means a certificate issued by the Buildings and Safety
11 Engineering Department stating that a building, premises, or structure, or a portion thereof, has
12 been found to be safe for its intended purpose and use, is in substantial compliance with this article,
13 and provides for an expiration date of less than six (6) months from the date of issuance that is
14 conditionally extendable in writing by the Director of the Building and Safety Engineering
15 Department, or his or her designee.

16 *Temporary emergency shelter* means a building which is opened on an urgent basis to provide
17 shelter for the homeless from the elements for not more than four (4) weeks in any calendar year,
18 including those operated in concert by churches and other religious organizations that permit the
19 homeless to utilize their facilities as a place of lodging on a weekly rotating basis.

20 *Tenant* means a person, corporation, partnership or group, whether or not the legal owner
21 of record, who or which occupies a building or structure.

22 *Toilet room* means a room containing a water closet or urinal, but not a bathtub or shower.

23 *Townhouse* means a single-family dwelling unit constructed in a group of three (3) or more
24 attached units in which each unit extends from foundation to roof and with no side yards except
25 end units which have one (1) side yard.

26 *Vacant building* means a building or structure that is unoccupied for more than thirty (30)

1 days, is unsecured, is secured by other than normal means, as defined in this section, is illegally
2 occupied, or poses an imminent danger to the health and safety of surrounding residents and
3 properties or to the general public by being unsafe as determined by an authorized local official,
4 including, but not limited to, the existence of a fire hazard, a collapsed or dilapidated portion, the
5 loss of a utility, or an unsanitary condition.

6 _____ *Ventilation* means the natural or mechanical process of supplying conditioned or
7 unconditioned air to, or removing such air from, any space.

8 *Violation* means any act ~~which~~ that is prohibited or made or declared to be a blight
9 violation by any section of this article, and any omission or failure to act where the act is required
10 by any section of this article.

11 *Violator* means a person who is responsible for a blight violation.

12 *Warming center* means a facility which is not designed for lodging and is operated for the
13 purpose of sheltering the transient homeless from the elements for brief intervals during any
14 twenty-four (24) hour period.

15 *Workmanlike* means constructed or repaired in a skilled professional manner, for example,
16 work that is generally plumb, level, square, in line, undamaged and without marring adjacent work
17 and generally in compliance with any applicable requirements of the Michigan Construction Codes
18 enacted pursuant to Section 4 of the Stille-Derossett-Hale Single State Construction Code Act,
19 being MCL 125.1504.

20 *Yard* means an unobstructed open space on the same lot with a building or structure.

21 **Sec. 9-1-20. Civil fines for violations of article.**

22 ~~(a) The following schedule of civil fines shall be assessed and paid at the department of~~
23 ~~administrative hearings for the specified violations of this article:~~

24 (a) The following schedule of civil fines shall be assessed and paid at the Department of
25 Aministrative Hearings for the specified violations of this article:

	<i>First</i>	<i>Second Repeat</i>	<i>Third and Subsequent</i>
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		<i>Offense</i>	<i>Offense</i>	<i>Repeat Offense</i>
1				
2	I.	Failure to meet a requirement of this		
3		article, except as otherwise specified.		
4		One- or two-family dwelling	\$ 25.00 <u>\$50.00</u> \$100.00	\$200.00
5		All other structures, except		
6		buildings with five (5) or		
7		more stories	<u>\$100.00</u>	<u>\$200.00</u> <u>\$500.00</u>
8		Buildings with five (5)		
9		<u>or more</u> stories	<u>\$200.00</u>	<u>\$500.00</u> <u>\$1,000.00</u>
10	II.	Failure of the owner of one- or two-	300.00	600.00 1,200.00
11		family dwelling to comply with an		
12		emergency or imminent danger order		
13		concerning an unsafe or unsanitary		
14		structure or unlawful occupancy.		
15		<u>One- or two-family dwelling</u>	<u>\$500.00</u>	<u>\$1,000.00</u> <u>\$1,500.00</u>
16		<u>All other structures, except</u>		
17		<u>buildings with five (5)</u>		
18		<u>or more stories</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u> <u>\$2,000.00</u>
19		<u>Buildings with five (5) or more</u>		
20		<u>stories</u>	<u>\$1,500.00</u>	<u>\$3,000.00</u> <u>\$5,000.00</u>
21	III.	Failure of the owner of any other struc-	500.00	1,200.00 5,000.00
22		ture, except buildings with five (5) or		
23		more stories to comply with an emer-		
24		gency or imminent danger order con-		
25		cerning an unsafe or unsanitary struc-		
26		ture or unlawful occupancy.		
27	IV.	Failure of the owner of a building with	1,500.00	3,000.00 5,000.00
28		five (5) or more stories to comply with		
29		an emergency or imminent danger order		
30		concerning an unsafe or unsanitary		
31		structure or unlawful occupancy.		
32	∇ <u>III.</u>	Failure of the owner to obtain a certif-	<u>\$250.00</u>	<u>\$500.00</u> <u>\$1,000.00</u>
33		icate of compliance in violation of		
34		Section 9-1-36 of the 1984 Detroit		
35		City Code.		
36	∇ <u>IV.</u>	Failure of owner to obtain certificate of	<u>\$250.00</u>	<u>\$350.00</u> <u>\$500.00</u>
37		registration of existing <u>for</u> rental property		

1 in violation of Section 9-1-81 of the 1984
2 Detroit City Code.

3 V. Failure to obtain a lead clearance for rental
4 property in violation of Section 9-1-83 of
5 the 1984 Detroit City Code.

6	<u>One- or two-family dwelling</u>	<u>\$500.00</u>	<u>\$1,000.00</u>	<u>\$2,000.00</u>
7	<u>All other structures, except</u>			
8	<u>buildings with five (5)</u>			
9	<u>or more stories</u>	<u>\$1,000.00</u>	<u>\$2,000.00</u>	<u>\$4,000.00</u>
10	<u>Buildings with five (5) or more</u>			
11	<u>stories</u>	<u>\$2,000.00</u>	<u>\$4,000.00</u>	<u>\$8,000.00</u>

12 ~~VH~~ VI. Failure to remove snow or ice in violation
13 of Section 9-1-103 of the 1984 Detroit
14 City Code.

14		50.00	125.00	250.00
15	One- or two-family dwelling	<u>\$50.00</u>	<u>\$125.00</u>	<u>\$250.00</u>
16	All other buildings, premises,	<u>\$100.00</u>	<u>\$250.00</u>	<u>\$500.00</u>
17	or structures.			

18 ~~VH~~ VII. Weeds or plant growth in violation
19 of Section 9-1-104 of the 1984
20 Detroit City Code.

20		<u>\$50.00</u>	<u>\$125.00</u>	<u>\$250.00</u>
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21 ~~H~~ VIII. Rodent harborage in violation of Section
22 9-1-105 of the 1984 Detroit City Code.

21		<u>\$100.00</u>	<u>\$250.00</u>	<u>\$500.00</u>
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23 ~~X~~ IX. Failure to remove inoperable or unli-
24 icensed motor vehicle from premises
25 in violation of Section 9-1-110 of the
26 1984 Detroit City Code.

23		<u>\$50.00</u>	<u>\$100.00</u>	600.00 <u>\$500.00</u>
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27 (b) In the case of a firm, or a partnership, the civil fine may be imposed upon the
28 partnership or members thereof, and in the case of a corporation, the civil fine may be imposed
29 upon the officers thereof.

30 (c) The imposition of a civil fine, or the payment of same, under this section shall not be
31 construed as excusing or permitting the continuance of any violation of this article.

32 (d) A civil fine that is paid before the administrative hearing date shall be reduced by ten

1 (10) percent.

2 (e) A civil fine that is paid after the administrative hearing date shall be increased by ten
3 (10) percent.

4 (f) A civil fine that is paid on the administrative hearing date neither shall be reduced nor
5 shall be increased.

6 (g) Pursuant to Section 4q(13) of the Michigan Home Rule Cities Act, being MCL
7 117.4q(13), and Section 8.5-3.5(a) of the 1984 Detroit City Code, Department of Administrative
8 Hearings hearing officers shall impose a justice system assessment fee for each blight violation
9 determination.

10 (h) Pursuant to Section 8.5-3.5(b) of the 1984 Detroit City Code, each blight violation
11 notice shall be subject to an administrative processing and adjudication fee, established by the
12 Director of the Department of Administrative Hearings and approved by the City Council.

13 (I) Pursuant to Section 117.4q(3) of the Michigan Home Rule Cities Act, being MCL
14 117.4q(4), and Section 8.5-3-2(4) of the 1984 Detroit City Code, a hearing officer from the
15 Department of Administrative Hearings may waive a fine for a blight violation at an owner-
16 occupied dwelling for a first-time violator of the Code where the violator has corrected the
17 circumstances of the violation.

1 **DIVISION 3. REQUIREMENTS FOR RENTAL PROPERTY**

2 **Subdivision A. In General**

3 **Sec. 9-1-81. Registration of rental property.**

4 (a) The owners or agents of rental property shall register all such dwellings with the
5 Buildings and Safety Engineering Department and obtain a certificate of registration as provided
6 for in this section. Application for the certificate of registration of a rental property shall be made
7 on forms provided by the department and shall contain:

- 8 (1) The location and use of the rental property;
- 9 (2) The name, address, telephone number, and driver license number or state
10 identification number, of the rental property owner applicant, if an individual, and
11 the name and address of the resident agent, if a corporation;
- 12 (3) Information listed in subsection (a)(2) of this section for each partner, corporate
13 officer, or any other person having any interest in the rental property; and
- 14 (4) The names address and telephone numbers of any persons or firms other than the
15 owner(s) who are responsible for property maintenance, or a person who is a
16 caretaker of the rental property pursuant to Section 9-1-85 of the 1984 Detroit City
17 Code.

18 (b) It shall be unlawful for any person to provide false information on an application for
19 a certificate of registration of a rental property required by this section.

20 (c) Certificates of registration of a rental property shall be renewed annually on the date
21 established by the Buildings and Safety Engineering Department. The department shall maintain
22 a registry of owners and rental property governed by this section.

23 (d) Where rental property required to be registered under this section is sold or otherwise
24 transferred to a new owner, the certificate of registration issued the previous owner shall expire
25 on the date of the sale or transfer and, within ninety (90) days after the sale or transfer of the
26 rental property, the new owner shall apply for a certificate of registration in the prescribed manner
27 in this section.

1 ~~(e) It shall be unlawful to occupy a rental property that is required to have a certificate of~~
2 ~~registration under this article, or cause the rental property to be occupied, without the required~~
3 ~~certificate of compliance issued by the buildings and safety engineering department.~~

4 **Sec. 9-1-82. Inspection of registered rental property; certificate of compliance required.**

5 (a) The Director of the Buildings and Safety Engineering Department shall cause an
6 inspection, as closely as possible to once a year, to be made of all rental property required to have
7 a certificate of registration under Section 9-1-81 of the 1984 Detroit City Code.

8 (b) It shall be unlawful for a rental property required to be registered pursuant to Section
9 9-1-81 of the 1984 Detroit City Code to be occupied without a certificate of compliance issued by
10 the Buildings and Safety Engineering Department in accordance with Section 9-1-36 of the 1984
11 Detroit City Code.

12 (c) The Buildings and Safety Engineering Department shall issue a certificate of
13 compliance for a rental property where the department determines that the rental property, its
14 units, accessory structures and the premises, including exterior areas, comply with the standards
15 and requirements of this article.

16 (d) It shall be unlawful for a rental property, as defined by Section 9-1-3 of the 1984
17 Detroit City Code, on which the original construction was completed prior to January 1, 1978 and
18 required to be registered pursuant to Section 9-1-81 of the 1984 Detroit City Code, to be occupied
19 without a lead-clearance report being obtained and provided to the Buildings and Safety
20 Engineering Department in accordance with Division 3, Subdivision B, of this article, provided,
21 that the owner shall not be required to obtain a lead clearance until the next prescribed annual
22 inspection date for the owner for the rental property occurring after the effective date of this
23 section.

24 **Sec. 9-1-83. ~~Certificate of compliance for multiple rental properties; violations~~ Inspection**
25 **and lead clearance risk assessment for lead-based paint hazards, where**
26 **required.**

27 ~~(a) It shall be unlawful for a rental property, as defined by Section 9-1-3, required to be~~
28 ~~registered pursuant to section 9-1-81 of the 1984 Detroit City Code, to be occupied without a~~

1 certificate of compliance issued by the Buildings and Safety Engineering Department in accordance
2 with section 9-1-36 of the 1984 Detroit City Code.

3 ~~_____ (b) The Buildings and Safety Engineering Department shall issue a certificate of~~
4 ~~compliance for a rental property where the department determines that the rental property, its~~
5 ~~units, accessory structures and the premises, including exterior areas, comply with the standards~~
6 ~~and requirements of this article.~~

7 (a) Where interim controls were used to reduce lead-based paint hazards in a rental
8 property, as prescribed in Subdivision B of this article, or where a lead inspection reveals the
9 presence of lead paint on the rental property, the owner shall have an annual lead inspection / risk
10 assessment performed on the rental property, and obtain an annual lead-clearance report in
11 accordance with this section.

12 (b) Where abatement was used to remove all identified lead hazards, as prescribed in
13 Division 2, Subdivision B, of this article, the owner shall have a lead inspection / risk assessment
14 performed on the rental property every three (3) years, and the lead-clearance report shall be valid
15 for three (3) years.

16 (c) Where all lead-based paint was fully abated in a rental property in accordance with the
17 Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*, and as certified by a certified lead
18 inspector or risk assessor, or where a certified lead inspector certifies that no lead paint exists on
19 the rental property, no further risk assessment or lead clearance shall be required in order to obtain
20 a certificate of compliance for rental property.

21 **Sec. 9-1-84. ~~Posting of tenants' statement of rights and of house rules and tenant~~**
22 **~~responsibilities.~~**

23 ~~(a) The buildings and safety engineering department shall develop and utilize a tenants'~~
24 ~~statement of rights based on the rights guaranteed by the United States Constitution, the 1963~~
25 ~~Michigan Constitution, and the 1997 Detroit City Charter. Each owner of a rental property shall~~
26 ~~post, within the rental property, a copy of the tenants' statement of rights. The buildings and safety~~

1 ~~engineering department shall provide rental property owners and operators of room and board~~
2 ~~homes with copies of the tenants' statement of rights.~~

3 ~~(b) Where house rules and tenant responsibilities are in writing, they shall be posted along~~
4 ~~with the tenants' statement of rights in a conspicuous place within the rental property. All house~~
5 ~~rules and tenant responsibilities shall be consistent with existing law. REPEALED.~~

6 **Sec. 9-1-84. Reserved.**

7 **Secs. 9-1-86 -- 9-1-100. Reserved.**

8 **Secs. 9-1-86 - - 9-1-90. Reserved.**

9 **Subdivision B. Lead Clearance**

10 **Sec. 9-1-91. Purpose and intent; requirements.**

11 (a) For purposes of this subdivision, all paint on the interior or exterior of any residential
12 rental property on which the original construction was completed prior to January 1, 1978, is
13 presumed to be lead-based and that all windows and doors on homes constructed prior to January
14 1, 1978, are lead-based paint hazards unless they are replacement items that were manufactured
15 after 1978 or unless a lead-based paint inspection is performed by a certified lead inspector who
16 verifies they do not contain lead-based paint. The purpose and intent of this subdivision is to
17 protect the health and welfare of children who occupy rental property that contains lead-based
18 paint hazards since exposure to lead can cause serious problems for children, including learning
19 problems, behavioral problems, and speech and language problems and statistics show that the
20 highest percentage of young children with elevated blood levels in the City reside in rental
21 property.

22 (b) This subdivision sets forth the requirements for obtaining a lead clearance, which is
23 required by this article prior to the occupancy of rental property. Owners of rental property shall
24 have a lead inspection / risk assessment performed by a certified lead inspector / certified risk
25 assessor to inspect for the presence of lead-based paint and lead-based paint hazards and where
26 lead-based paint hazards are present, the owner must correctly reduce and control hazards prior
27 to families occupying the rental property.

1 (c) The interior and exterior of any residential rental property, on which the original
2 construction was completed prior to January 1, 1978, shall be maintained in a condition such that
3 the paint does not become deteriorated paint in Section 9-1-3 of the 1984 Detroit City Code.

4 **Sec. 9-1-92. Lead inspection and risk assessment, reports required.**

5 (a) The owner of rental property shall obtain a lead inspection and risk assessment, as
6 defined in Section 9-1-3 of the 1984 Detroit City Code, from a certified lead inspector and/or risk
7 assessor in order to obtain a lead clearance as required by Section 9-1-83 of the 1984 Detroit City
8 Code.

9 (b) The lead inspection report shall contain the following information:

10 (1) Date of the lead inspection;

11 (2) Address of the rental property, including apartment or dwelling unit number, where
12 applicable;

13 (3) Date the rental property was built;

14 (4) Name, address and telephone number of the owner(s);

15 (5) Name, signature and certification number of each individual conducting testing on
16 the rental property;

17 (6) Name, address and telephone number of the company employing the individual(s)
18 conducting the testing, where applicable;

19 (7) Each testing method, device and sampling procedure used for paint analysis, and
20 where used, the serial number of any x-ray fluorescence lead testing device;

21 (8) Specific locations of each painted component tested for the presence of lead-based
22 paint; and

23 (9) The result of the inspection in units of measure that match the type of sampling
24 method used.

25 (c) The risk assessment report shall contain the following information:

26 (1) Date of the risk assessment;

- 1 (2) Address of the rental property, including apartment or dwelling unit number, where
2 applicable;
- 3 (3) Date the rental property was built;
- 4 (4) Name, address and telephone number of the owner(s);
- 5 (5) Name, signature and certification number of risk assessor conducting the
6 assessment;
- 7 (6) Name, address and telephone number of the company employing the risk assessor
8 conducting the assessment, where applicable;
- 9 (7) Name, address, and telephone number of each laboratory conducting analyses of
10 collected samples;
- 11 (8) Results of the visual inspection;
- 12 (9) Testing method and sampling procedure used for paint analysis;
- 13 (10) Specific locations of each painted component tested for lead;
- 14 (11) Results from on-site testing and, where used, the serial number of any x-ray
15 fluorescence lead testing device;
- 16 (12) All results from the laboratory analysis of collected paint and dust samples;
- 17 (13) Any other sampling results;
- 18 (14) Any background information regarding the physical characteristics of the property
19 and use patterns of the residents that may cause lead paint exposure to young
20 children;
- 21 (15) To the extent that they are used as part of the risk assessment, the results of any
22 previous inspections or analyses for lead paint or hazards;
- 23 (16) A description of the location, type, and severity of identified lead paint hazards and
24 any other potential lead hazards; and
- 25 (17) A description of temporary and/or permanent options to fix each lead paint hazard
26 found, and a priority for fixing each hazard from the most serious to the least and,

1 where the use of an encapsulant paint or physical barrier (siding or paneling) is
2 recommended, the report should recommend a maintenance and monitoring
3 schedule for these solutions.

4 (d) An individual who is certified as both a lead inspector and a risk assessor may combine
5 the information required in reports under Subsections (b) and (c) of this section.

6 **Sec. 9-1-93. Remedy for lead-based paint hazards.**

7 Where the risk assessment indicates a lead-based paint hazard or hazards exists at the rental
8 property, the condition(s) may be corrected only by one (1) of the following methods:

9 (a) Abatement by a certified abatement worker, pursuant to the rules promulgated
10 under the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*; or

11 (b) Interim controls performed only by a person who has received a certificate that the
12 person has undergone Lead Safety for Renovation, Repair and Painting Training
13 pursuant to 40 CFR 745(e) and who has become a certified renovator.

14 **Sec. 9-1-94. Post-remedy clearance report.**

15 (a) After lead abatement or interim controls are performed, the owner of rental property
16 shall have a clearance examination on the property and obtain a post-remedy clearance report, as
17 defined in Section 9-1-3 of the 1984 Detroit City Code.

18 (b) In order to obtain lead clearance for the rental property, the owner shall provide the
19 post-remedy clearance report to the Buildings and Safety Engineering Department.

20 **Sec. 9-1-95. Requirement to avoid conflict of interest regarding lead-clearance inspection.**

21 Any lead inspection, risk assessment or lead clearance is required to be performed by
22 persons or entities independent of persons performing abatement or interim controls.

23 **Sec. 9-1-96. Occupant protection during abatement or interim controls.**

24 In order to minimize the harm to persons occupying rental property where there are interim
25 controls or lead abatement, which may disturb lead paint and potentially cause further harm or
26 hazards to persons occupying the premises, the following shall be required:

1 (1) Occupants of rental property shall not be permitted to enter the dwelling until after
2 abatement or interim controls have been completed and clearance has been
3 achieved;

4 (2) Occupants of rental property shall be temporarily relocated by the owner for the
5 safety of occupants during interim controls or abatement until certification by a
6 certified clearance technician, for interim controls only, or certified lead inspector
7 / risk assessor, for abatement or interim controls, is received; and occupants who
8 relocate to a dwelling unit not owned by the landlord shall not be liable to the
9 landlord for rent accruing during this time period, provided, that relocation of
10 occupants shall not be necessary where:

11 (a) Abatement or interim controls will not disturb lead-based paint;

12 (b) Only the exterior of the dwelling unit is treated, and windows, doors,
13 ventilation intakes and other openings in or near the area being treated are
14 sealed during abatement or interim controls and cleaned afterward, and an
15 entry free of lead-based paint hazards and debris is provided; and

16 (c) Abatement or interim controls of the interior will be completed within one
17 (1) period of eight (8) daytime hours, the area treated is contained so as to
18 prevent the release of leaded dust and debris into other areas, and treatment
19 does not create other safety, health or environmental hazards;

20 (3) The dwelling unit and the area treated shall be secured against unauthorized entry,
21 and the occupants' belongings protected from contamination by lead dust and debris
22 during or interim controls or abatement;

23 (4) Occupants' belongings in the containment area shall be relocated to a safe and
24 secure area outside the containment area, or covered with an impermeable covering
25 with all seams and edges taped or otherwise sealed;

1 (5) The area treated shall be prepared, including the placement of containment barriers,
2 to prevent the release of leaded dust, and shall contain lead-based paint chips and
3 other debris from hazard reduction activities within the area treated until they can
4 be safely removed;

5 (6) Practices that minimize the spread of leaded dust, paint chips, and debris shall be
6 used; and

7 (7) A warning sign shall be posted at each entry to a room where abatement or interim
8 controls are conducted when occupants are present; or at each main and secondary
9 entryway to a building from which occupants have been relocated. Each warning
10 sign shall be provided in the occupants primary language.

11 **Sec. 9-1-97. Exterior abatement or interim controls, weather conditions.**

12 Performance of abatement or interim controls on an exterior painted surface as required
13 under this subdivision may be delayed for a reasonable period of time during a period when
14 weather conditions render the completion of activities impossible.**Sec. 9-1-98.**

15 **Termination of tenancy to avoid compliance with this division or retaliatory action**
16 **prohibited.**

17 (a) An owner of rental property, or any person acting on his or her behalf, shall not:

18 (1) Terminate, or cause to be terminated, the tenancy of any person for the purpose of
19 avoiding compliance with any section of this division; or

20 (2) Take any retaliatory action, as defined in Section 9-1-3 of the 1984 Detroit City
21 Code, toward a tenant who reports a suspected lead-based paint hazard to the owner
22 or to the City.

23 (b) Action by the rental property owner to achieve compliance with this subdivision shall
24 not be deemed a basis for the modification or termination of a tenancy for the property.

1 **Secs. 9-1-99 -- 9-1-100. Reserved.**

2 _____ **Section 2.** This ordinance is declared necessary to preserve the health, safety, and welfare
3 of the People of the City of Detroit.

4 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
5 repealed.

6 **Section 4.** This ordinance shall become effective on January 1, 2010.

7 Approved as to form:

8 _____
9 Krystal A. Crittendon
10 Corporation Counsel